

Honorable Judge Timothy W. Dore  
Chapter 13  
Hearing Location: Seattle  
Hearing Date: October 7, 2020  
Hearing Time: 9:30 a.m.

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:

Emilie Villa-Ignacio Padiernos,  
  
Debtor.

**CASE NO.: 20-11939-TWD**

**CHAPTER 13**

**OBJECTION TO CONFIRMATION  
BY CSMC 2019-RPL2 TRUST**

CSMC 2019-RPL2 Trust through its servicing agent Select Portfolio Servicing, Inc. (“Creditor”), objects to confirmation of the proposed chapter 13 plan (The “Plan”) of Emilie Villa-Ignacio Padiernos (“Debtor” herein). The basis for this objection is that the Plan does not comply with the provisions of Title 11, chapter 13 of the United States Bankruptcy Code and thus should not be confirmed by the Court.

**I. BACKGROUND**

On or about May 25, 2007, Maria Christie Lumbea and Emilie V. Padiernos executed and delivered a note in favor of Household Finance Corporation III in the original principal amount of \$253,200.27. This Note was secured by a Deed of Trust (“Deed”) encumbering real property commonly described as 11300 1st Ave NE # 118, Seattle, WA 98125 (“Property”). Creditor is the holder of the note or services the note for the holder.

On July 21, 2020, Debtor filed for protection under Title 11, chapter 13 of the United States Code under cause number 20-11939-TWD in the above listed court.

The outstanding balance due on the Note as of filing is approximately \$451,548.69. As of the same date the loan is contractually due for the September 1, 2019 payment.

1 The pre-petition arrears, including payments, late charges, escrow advances and accrued  
2 fees and costs are approximately \$12,583.90 as will be detailed in Creditor's filed proof of claim.  
3 The monthly payment due as of the filing date was \$1,114.75.

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5 **II. ARGUMENT AND AUTHORITY**

6 Under 11 U.S.C. § 1325 (a)(1) and 1322 (b)(2) a plan may not modify the rights of a  
7 holder of a claim secured only by an interest in real property that is the Debtor's personal  
8 residence. In the case at bar, Debtor has proposed to subordinate Creditor's right to a monthly  
9 maintenance payment for two to three months while the first money paid to the trustee is directed  
10 to attorney fees. Creditor has no objection to the payment of attorney fees, but those payments  
11 should be concurrent with the regular maintenance payment and not in front of that payment.

12  
13 **III. CONCLUSION**

14 For the reasons listed above, the chapter 13 plan as proposed fails to comply with the  
15 requirements of United States Code Title 11. Therefore, Creditor respectfully requests the Court  
16 deny confirmation of the proposed Chapter 13 plan. If the court sustains this objection and  
17 denies confirmation, Creditor respectfully requests that the Court set a deadline by which an  
18 amended plan is to be filed. Creditor further requests that if the Debtor does not file the  
19 Amended Plan by the date imposed by the Court, the Trustee be permitted to submit an order  
20 dismissing the bankruptcy case for failure to comply with the order of the court.

21 Dated: July 27, 2020

McCarthy & Holthus, LLP

22 /s/ Lance E. Olsen

Lance E. Olsen, Esq. WSBA# 25130

Michael S. Scott WSBA# 28501

Attorneys for Movant

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**CERTIFICATE OF SERVICE**

On 7/27/2020, I served the foregoing **OBJECTION TO CONFIRMATION** on the following individuals by electronic means through the Court's ECF program:

**TRUSTEE**

Jason Wilson-Aguilar  
courtmail@seattlech13.com

**DEBTOR'S COUNSEL**

Erin Lane  
ErinL@washingtonstateattorneys.com

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

/s/ Raquel Rivera

Raquel Rivera

On 7/27/2020, I served the foregoing **OBJECTION TO CONFIRMATION** on the following individuals by depositing true copies thereof in the United States mail, enclosed in a sealed envelope, with postage paid, addressed as follows:

**DEBTOR**

Emilie Villa-Ignacio Padiernos, 11300 1st Ave NE #118, Seattle, WA 98125

**BORROWER**

Maria Christie Lumbea, 11300 1st Ave Ne 118, Seattle, WA 98125

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

/s/ Hue Banh

Hue Banh